

Presentment Date: June 16, 2022 at 11:00 am (EDT)
Objection Deadline: June 14, 2022 (EDT)

Paul J. Labov, Esq.
PACHULSKI STANG ZIEHL & JONES LLP
780 Third Avenue, 34th Floor
New York, New York 10017
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Counsel to Dalia Genger

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
In re	:
	:
	Chapter 7
ORLY GENDER,	:
	:
	Case No.: 19-13895 (JLG)
Debtor.	:
	:
-----X	
DEBORAH J. PIAZZA, as Successor	:
CHAPTER 7 TRUSTEE, of the Bankruptcy	:
Estate of Orly Genger,	:
	:
Plaintiff,	:
v.	Adv. Pro. No. 21-ap-01180 (JLG)
	:
MICHAEL OLDNER, THE ORLY GENDER	:
1993 TRUST, RECOVERY EFFORT INC.,	:
SAGI GENDER, THE SAGI GENDER 1993	:
TRUST, DALIA GENDER, ELANA GENDER,	:
DAVID PARNES, D&K GP LLC, TPR	:
INVESTMENT ASSOCIATES, INC.,	:
MANHATTAN SAFETY MAINE, INC. AND	:
JANE DOES 1-100,	:
	:
Defendants.	:
-----X	

**NOTICE OF PRESENTMENT OF ORDER GRANTING
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

PLEASE TAKE NOTICE that upon the *Motion for Withdrawal of Pachulski Stang Ziehl & Jones LLP and Substitution of Counsel and Request for Notices* (the “Motion”), which Motion includes the reasons underlying the relief requested, Pachulski Stang Ziehl & Jones LLP (“PSZJ”), will present the *Order Granting Withdrawal and Substitution of Counsel* (the “Order”) to the Honorable James L. Garrity, United States Bankruptcy Judge, at the United States Bankruptcy Court of the Southern District of New York, Courtroom 601 (the “Courtroom”), One Bowling Green, New York, New York 10004, for signature on June 16, 2022 at 11:00 am (EDT).

PLEASE TAKE FURTHER NOTICE that any responses or objections (“Objections”) to the Motion shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”), shall be filed with the Bankruptcy Court (i) by attorneys practicing in the Bankruptcy Court, including attorneys admitted *pro hac vice*, electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov), and (ii) by all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF) (with two single-sided hard copies delivered to the Judge’s Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and shall be served in accordance with General Order M-399, the Bankruptcy Rules, and the Local Rules, so as to be filed and served upon counsel to Dalia Genger, Pachulski Stang Ziehl & Jones LLP, 780 Third Avenue, 34th Floor, New York, New York 10017 (Attn: Paul J. Labov, Esq.) by no later than **June 14, 2022** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that if no Objections are timely filed and served with respect to the attached Motion, PSZJ may, on or after the Objection Deadline, submit the

Order to the Bankruptcy Court, which may be entered without further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that any objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted upon default.

Dated: June 7, 2022

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Paul J. Labov

Paul J. Labov, Esq.

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue, 34th Floor

New York, New York 10017

Telephone: (212) 561-7700

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Counsel to Dalia Genger

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MANHATTAN SAFETY MAINE, INC. AND	:	
JANE DOES 1-100,	:	
	:	
Defendants.	:	
-----X		

**MOTION FOR WITHDRAWAL OF PACHULSKI STANG ZIEHL & JONES
LLP AND SUBSTITUTION OF COUNSEL AND REQUEST FOR NOTICES**

Pachulski Stang Ziehl & Jones LLP (“PSZJ”) hereby moves to withdraw as counsel for Defendant Dalia Genger (“Mrs. Genger”) in the above-captioned adversary proceeding (the “Adversary Proceeding”) pursuant to Local Bankruptcy Rule 2091-1(e). In support of this Motion, PSZJ respectfully states as follows:

Facts

1. Mrs. Genger has been represented in this Adversary Proceeding by Paul J. Labov (“Mr. Labov”) of PSZJ. Mr. Labov filed a notice of appearance in this Adversary Proceeding at Docket No. 13.

Relief Requested

2. PSZJ requests that the Court approve the proposed withdrawal and substitution of counsel described below. Mrs. Genger has requested the withdrawal of PSZJ as her counsel of record in the Adversary Proceeding. PSZJ and Mr. Labov consent to the withdrawal.

3. Mrs. Genger consents to the substitution of Ira Daniel Tokayer (“Mr. Tokayer”) as her counsel of record in the Adversary Proceeding.

4. Mr. Tokayer requests notice of all pleadings, hearings and other matters in this case pursuant to Fed. R. Bankr. P. 2002, 3011, 3017, 9007 and 9010, and Bankruptcy Code section 1109(b). Notices should be transmitted as follows:

Ira Daniel Tokayer, Esq.
420 Lexington Avenue, Suite 2400
New York, New York 10170
Telephone: (212) 695-5250
Fax: (212) 695-5450
Email: imtoke@mindspring.com

5. This request for notice and any subsequent appearance pleading, claim, or suit is not intended nor shall be deemed to waive the rights of Mrs. Genger: (1) to have final orders in non-core matters entered only after de novo review by a district court judge; (2) to trial by jury in

any proceedings so triable herein or in any case, controversy or proceeding related hereto; (3) to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; or (4) any other rights, claims, actions, defenses, set-offs or recoupments to which Mrs. Genger is or may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, set-offs, and recoupments expressly are hereby reserved.

Argument

6. Local Bankruptcy Rule 2091-1(e) allows an attorney who has appeared as attorney of record to withdraw as counsel or be replaced by order of the Court for cause shown. PSZJ seeks permission to withdraw as counsel because Mrs. Genger has requested that PSZJ withdraw as counsel.

Conclusion

WHEREFORE, PSZJ requests that the Court authorize the proposed withdrawal and substitution of counsel and grant PSZJ such other relief as is just.

Dated: June 7, 2022

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Paul J. Labov

Paul J. Labov, Esq.

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue, 34th Floor

New York, New York 10017

Telephone: (212) 561-7700

Facsimile: (212) 561-7777

Email: plabov@pszjlaw.com

Counsel to Dalia Genger

/s/ Ira Daniel Tokayer

IRA DANIEL TOKAYER, ESQ. (IT-4734)

420 Lexington Avenue, Suite 2400

New York, New York 10170

TEL: (212) 695-5250

FAX: (212) 695-5450

imtoke@mindspring.com

Attorney for Dalia Genger

Presentment Date: June 16, 2022 at 11:00 am (EDT)
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INVESTMENT ASSOCIATES, INC., :
MANHATTAN SAFETY MAINE, INC. AND :
JANE DOES 1-100, :
:
Defendants. : **Rel. Doc. No.**
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ORDER GRANTING WITHDRAWAL AND SUBSTITUTION OF COUNSEL

Upon consideration of the *Motion for Withdrawal of Pachulski Stang Ziehl & Jones LLP and Substitution of Counsel and Request for Notices* (the “Motion”)¹ filed by Pachulski Stang Ziehl & Jones LLP (“PSZJ”); and due and proper notice of the Motion having been provided and

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. Pursuant to Local Bankruptcy Rule 2091-1(e) Pachulski Stang Ziehl & Jones LLP is withdrawn as counsel of record for Defendant Dalia Genger (“Mrs. Genger”) effective immediately.

2. Ira Daniel Tokayer is substituted as lead counsel for Mrs. Genger for all purposes in this matter. Mr. Tokayer shall receive all notices in this Adversary Proceeding.

Dated: _____, 2022
New York, New York

THE HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I, La Asia S. Canty, am over the age of eighteen years, and am employed by Pachulski Stang Ziehl & Jones LLP. I am not a party to the within action; my business address is 780 Third Avenue, 34th Floor, New York, New York 10017-2024.

On June 7, 2022, I caused a true and correct copy of the *Notice of Presentment/Motion for Withdrawal of Pachulski Stang Ziehl & Jones LLP and Substitution of Counsel and Request for Notices* to be served via electronic mail and/or First Class US Mail upon the parties set forth on the service list annexed hereto as **Exhibit 1**.

/s/ La Asia S. Canty

La Asia S. Canty

EXHIBIT 1

Via First Class Mail and Electronic Mail

Richard Carlos Ramirez
Michael Bowen
Glenn Agre Bergman & Fuentes LLP
55 Hudson Yards, 20th Floor
New York, NY 10001
Email: rramirez@glennagre.com
mbowen@glennagre.com

Deborah J. Piazza, Esq.
Rocco A. Cavaliere, Esq.
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